Honorable Benjamin H. Settle 1 2 FILED LODGED RECEIVED 3 FEB 28 2022 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 8 NATHEN BARTON, CASE NO. 3:21-cv-05372 9 Plaintiff RESPONSE TO LEADPOINT INC.'S MOTION TO TAX COST 10 v. COVER LETTER LEADPOINT INC., RELIANCE FIRST 11 CAPITAL LLC, LOANDEPOT.COM LLC, GLOBAL EQUITY FINANCE INC., 12 NATIONWIDE MORTGAGE BANKERS, INC., JOHN DOE 1-10 13 Defendants. 14 15 TO: CLERK OF COURT 16 AND TO: ALL PARTIES AND THEIR COUNSEL OF RECORD Please find Plaintiff's Response to Defendants' Docket 60. I am unable to file this 17 18 through the PACER system. 19 DATED: February 22, 2022 20 Nathen Barton 4618 NW 11th Cir 21 **Camas WA 98607** FarmersBranch2014@gmail.com 22 23 24 COVER LETTER – AMENDED COMPLAINT & NOTICE OF WITHDRAWAL - 1 NATHEN BARTON

CASE NO 2:21-CV-05372

4618 NW 11TH CIR **CAMAS WA 98607** 1

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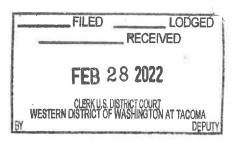
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Honorable Benjamin H. Settle



UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

LEADPOINT INC., & RELIANCE FIRST CAPITAL LLC

Defendants.

CASE NO. 3:21-cv-05372-BHS

RESPONSE TO LEADPOINT INC.'S MOTION TO TAX COSTS

PLEASE TAKE NOTICE that Plaintiff Nathen Barton responds to LeadPoint, Inc.'s ("LeadPoint") Motion to Tax Costs, Dkt. 60.

Pro Hac Vice Fees Should be Denied

LeadPoint cites the 2012 District Court decision *Coble v. Renfroe* to claim "Costs incurred filing pro hac vice applications are recoverable." Dkt. 60, 2:11:13.

However, in a December 19, 2013 opinion, *Kalitta Air L.L.C. v. Central Texas Airborne System Inc.*, the US Court of Appeals for the Ninth Circuit held that an attorney's pro hac vice admission fees were not authorized under 28 U.S.C. § 1920, and overturned a lower court's award of these costs. (No. 13-15015, (9th Cir. Dec. 19, 2013)).

LeadPoint's request of \$476 in pro hac vice fees should be denied.

The \$45.18 and \$9.80 Fees Should be Denied

RESPONSE TO DKT 60 – MOTION TO TAX COSTS - 1 CASE NO 3:21-CV-05372

NATHEN BARTON 4618 NW 11TH CIR CAMAS WA 98607

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1	LeadPoint asks for \$45.18 for "securing an extension and submitting a notice of
2	appearance in state court". Dkt. 60, 2:16:17.
3	Section 1920 provides:
4	A judge or clerk of any court of the United States may tax as costs the following:
5	(1) Fees of the clerk and marshal;
6	(2) Fees for printed or electronically recorded transcripts necessarily obtained for us in the case;
7 8	(3) Fees and disbursements for printing and witnesses;
9	(4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
10	(5) Docket fees under section 1923 of this title;
11 12	(6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section
13 14	1828 of this title. 28 U.S.C. § 1920(1)-(6).
15	Nothing in 28 U.S.C. § 1920(1)-(6) matches with the cost to "securing an extension and
16	submitting a notice of appearance in state court" and the request for \$45.18 should be denied.
17	Similarly, the \$9.80 mailing cost (Id at 2:17) for "for serving the Notice of Removal on
18	the parties" is also not found in § 1920 and should be denied.
19	Conclusion L. Deist is a locatified to its 0.402 seement for and all other costs should be desired.
20	LeadPoint is only entitled to its \$402 removal fee and all other costs should be denied.
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	RESPONSE TO DKT 60 – MOTION TO TAX COSTS - 2 NATHEN BARTON

DATED: February 22, 2022 Nathen Barton 4618 NW 11th Cir Camas WA 98607 FarmersBranch2014@gmail.com **CERTIFICATE OF SERVICE** I hereby certify that on February 22, 2022, I mailed the foregoing to the Defendant's counsel of record. Executed on February 22, 2022. /s/ Nathen Barton Nathen Barton

RESPONSE TO DKT 60 – MOTION TO TAX COSTS - 3 CASE NO 3:21-CV-05372

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WESTERN DISTRICT OF WASHINGTON AT TACOMA
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US District Court 1717 Pacific Ave Tacoma WA 98402

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